

**REMARKS/ARGUMENTS**

Upon entry of the present amendment, claims 1-12 will have been canceled and claims 13-18 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejection of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the acceptance by the draftsman of the drawings filed in the present application on September 1, 1999, and for the acknowledgment of Applicant's claims for priority under 35 U.S.C. § 119 and receipt of the certified copies of the priority documents in the Official Action.

However Applicant has filed Information Disclosure Statements in the present application on December 1, 1999, June 14, 2000, February 9, 2001 and June 24, 2002. Further, while the PTO-326 cover sheet of the outstanding Office Action indicated that a number of PTO-1449 Forms were attached thereto, initialed and signed copies of the PTO-1449 Forms which were attached to the above-noted Information Disclosure Statement have in fact not been received. Accordingly, Applicant requests that the Examiner send copies of the signed PTO-1449 Forms to Applicant with the next Official Action.

Turning to the merits of the action, the Examiner has objected to Fig. 1 as failing to comply with 37 C.F.R. § 1.84(p)(5).

In response, Applicant has amended the specification to add the noted reference numeral in the specification.

The Examiner has also objected to Fig. 15 because of a misspelling in Fig. 15, at ST1502. Accordingly, Applicant has attached a corrected drawing eliminating this informality.

The Examiner has objected to the disclosure because of several informalities. Based upon the noted informalities, Applicant has appropriately corrected the disclosure. However, the paragraph on page 6, lines 10-21 is not the same as the paragraph on page 6, line 22 - page 7, line 8. For example, the first paragraph mentions "receiving means" while the second paragraph mentions "capability obtaining means". Thus, Applicant has not corrected the paragraph on page 6, lines 10-21.

Withdrawal of the objections to the drawing and the specification are thus respectfully requested.

The Examiner has objected to claims 3 and 12 because of informalities. The Examiner has rejected claims 1-12 under 35 U.S.C. § 102 (e) as being anticipated by OHTO (U.S. Patent No. 5,864,673).

As noted above, Applicant has canceled the rejected claims and has submitted new claims 13-18. Applicant respectfully traverses the above rejection based on newly added claims 13-18 and will discuss said rejection with respect to the pending claims in the present application as will be set forth hereinbelow. The newly added claims merely clarify the subject matter recited in the canceled claims, but do not narrow the scope of the claims.

Applicant's claims 13-15 relate to an image communication apparatus connected with a receiving facsimile via a server apparatus on the Internet. The image communication apparatus is configured to communicate with first and second servers. The image communication apparatus also obtains, from the second server apparatus, capabilities regarding facsimile data that the receiving facsimile can receive and stores the obtained capabilities of the receiving facsimile in the first server apparatus, when the first server apparatus is determined not to store the capabilities of the receiving facsimile. Claim 18 recites a related method.

Applicant's claims 16-17 relate to a server apparatus connected with a transmitting facsimile and a receiving facsimile via the Internet. The server

apparatus, inter alia, obtains the capabilities of the receiving facsimile from another server apparatus that stores the capabilities of the receiving facsimile, when the capabilities of the receiving facsimile are not stored in the memory and when the transmitting facsimile inquires regarding the capabilities of the receiving facsimile.

However, OHTO relates to a terminal device and a relaying device that transmit a multimedia document consisting of different media attributes, such as audio data, character data, still image data, motion picture and hand-written data. The terminal device communicates not only with a facsimile but also a telephone, a digital mobile telephone, PHS, and so on. The terminal device does not store capabilities regarding facsimile data that the receiving facsimile can receive, such as e.g. a compression format, a paper size and resolution, but stores information regarding to which group a terminal device belongs. For example, the group "C" has a telephone and a facsimile as terminal devices (col. 20, lines 15-29). This information does not include capabilities of the receiving facsimile, e.g., a compression format, a paper size and resolution that are utilized for a facsimile communication.

Further, and independently of the above, the terminal device of OHTO is not disclosed as obtaining, from a second server apparatus, capabilities regarding facsimile data that the receiving facsimile can receive, when a first server apparatus is determined not to store the capabilities of the receiving facsimile.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-18 are not disclosed in the OHTO document applied by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

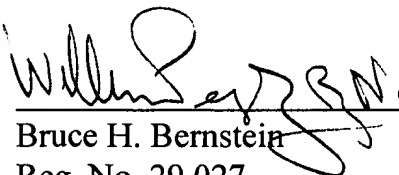
**SUMMARY AND CONCLUSION**

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted new claims for consideration by the Examiner. With respect to the new claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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